

Summary of Meeting Transfers Agency Group October 17, 1997

Key Points

- The TAG needs to ensure all interested stakeholders are properly offered the opportunity to participate in discussion of issues at TAG meetings by providing notice of the issue(s) to be discussed at the next TAG meeting directly to the stakeholders at the BDAC Water Transfer work group meetings. This may help ensure there are no violations of FACA rules.
- CALFED staff will draft a process to accomplish the above for review by the TAG representatives at the next TAG meeting.
- The 'transfer context' memo will be distributed at Wednesday's BDAC Water Transfers work group after the TAG comments are incorporated as long as comments can be resolved. If comments cannot be resolved by that date, the memo will not be distributed.
- Jim Yost, Paul Bartkiewicz, and Steve Macaulay provided their views to the TAG on 'technical issues'. They generally felt that the draft issue papers captured most of the issues fairly well. (These gentlemen were asked not to discuss solution options because of concerns of FACA violations).

Discussion Overview

- Jerry Johns of the State Water Resource Control Board will chair this group from now on. Mary Selkirk, under contract to CALFED, will provide facilitation. Rick Soehren has transferred responsibility of the TAG as a result of new work assignments.
- Mike Heaton stated that he discussed the inclusion of stakeholders in this meeting with CALFED counsel and others to ensure there would be no violations of FACA rules. Concern was expressed, however, that since only a narrow range of stakeholders were specifically invited to this meeting, this meeting may be in violation of FACA rules. Specifically, the concern is that some stakeholders who may be interested in the agenda items were not invited and are not here to participate and the ones who were invited may bias the development of solution options. To alleviate this fear, the TAG decided that for this meeting the stakeholders should only provide their view of the issues and any discussions about solution options would not be allowed to occur.
- CALFED staff will develop a draft process for the TAG to review regarding how solution options can be solicited from various stakeholder groups without violating FACA rules. This approach will also be reviewed by Mary Scoonover, CALFED's counsel.
- It was suggested that we should just rely on the BDAC work group process and provide them with the draft issue papers, have BDAC review and comment on them and ask BDAC for suggestions for solutions. That should sufficiently provide opportunity for all stakeholders to provide input. Others, however, felt that such a process would be too burdensome in the time available and given the size and nature of the BDAC work group. The inclusion of stakeholders today, it was stated, was intended to allow TAG to help the CALFED staff develop solution options by talking with some stakeholders about options.
- A suggestion was made to have the BDAC Water Transfer work group create sub-groups for

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- each technical issue and invite agency participation. Maybe this can eliminate the concern with FACA violations and get the desired interaction between stakeholders and agency staff. -
- Some agency representatives had read the 'context' memo and had comments. Others did not have an opportunity for full review. Therefore, the comment period was extended until noon on Monday October 20. Comments should be e-mailed to Rick Soehren. CALFED staff promised that if comments could be incorporated to the satisfaction of the TAG prior to Wednesday's BDAC Water Transfer Work Group meeting, the memo will be distributed to the BDAC work group. Otherwise, it will not.
 - Jim Yost, Paul Bartkiewicz, and Steve Macaulay provided their views of the issues to the TAG. Initial comments were limited to issues regarding access to facilities, reservoir refill criteria, and carriage water. Additional comments regarding other issues under the 'technical' heading of the issue list were also solicited from these gentlemen. Most of the TAG representatives felt that the comments from these gentlemen were already well captured in the existing issue papers and no new information was divulged. Comments included:
 - issues need to be resolved in order for long-term transfers to be feasible
 - solutions need to be developed in conjunction with DWR, USBR, and SWRCB in a 'non-crisis' atmosphere
 - would like to see a more objective process with clear, consistent, and easier rules
 - the role the state and federal project facilities play in wheeling water for both contractor obligations and transfers needs to be reevaluated.
 - uncertainty of access to facilities to move water is the number one issue with water transfers
 - CALFED needs to define the role of water transfers in the CALFED solution. Are they a big part of the solution? If so, we need to deal with the access issue. If not, then it may be alright to state that some of the issues are insurmountable and the existing level of short-term transfers are all we can accomplish.
 - are reservoir refill assurances really needed? Does transfer of water from non-project storage really constitute a risk to the agencies?
 - some people that are involved in trying to negotiate transfers are frustrated that not all transfers are held to the same standard - common standards for all types of transfers are necessary to ensure fairness and appropriate protections
 - the need for carriage water should be reevaluated
 - more data needs to be collected to improve our understanding of groundwater/surface water interactions, especially in the Sacramento Valley
 - it is important to engage the local community to develop a transfer that is 'win-win'
 - A suggestion was made that the next meeting have a more workable and realistic agenda and include full agency participation (there was concern that some agencies were not present at the meeting and others had very limited input). It was felt that discussions at this meeting went beyond what was stated in the agenda (more issues were discussed than were listed for agenda item 5).
 - The next BDAC Transfers Work Group is scheduled for November 19, 1997, from 9-noon at the Resources Building (room to be determined). Agenda items will include:
 - discussion of a proposed process for developing solution options
 - concurrence on the draft issue papers

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